

Compliance or Enforcement – The Choice is Yours

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Compliance IS Important

➤ Company Perspective:

- Competing interests:
 - Customers, employees, inventory, finances, orders, and finally compliance

➤ Regulator/Inspector Perspective:

- Singular Interest:
 - Looking for compliance and/or violations

Top 10 List for Dealing with Regulators and Inspectors

- 10. Keep relations cordial and professional.
 - Regulators have feelings too.
- 9. Take the inspection and violations seriously.
 - Regulators and Inspectors take their jobs seriously, you should too.
- 8. Do not complain about compliance.
 - Inspectors don't make the laws; they are merely the messengers.
- 7. Do not make the same mistake twice.
- 6. Do not ask for a second extension of time unless for reasons not of your making.

Top 10 List for Dealing with Regulators and Inspectors

- 5. Do not forbid.
 - Provide everything that is requested.
- 4. Do not ignore.
 - No, the regulators won't go away if you ignore the NOV.
- 3. Do not alter.
 - Documents can be your best friend or worst enemy – keep good, clean records.
- 2. Do not get hostile.
- 1. Do not lie.

What the Government Wants from You

- 1. Knowledge of the laws and regulations.
 - 2. Training for compliance.
 - 3. Compliance.
 - 4. If you do have a violation – correct it.
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- What happens when the government doesn't get what it wants? . . .

Report of Violation – Informal Enforcement Tools

- Compliance Inspection Report (CIR)
- Official Notice
- Notice of Violation

Civil Enforcement

- Litigation or Settlement?
- Compliance is not optional.
- Fines and Penalties: per day minimums for different types of violations.
- Supplemental Environmental Projects (SEPs).
 - Offset penalties and put valuable \$\$ back into your business that could help you avoid future violations.
 - Be creative.

Criminal Enforcement

- Raid!
- Litigation of Plea Agreement?
- Larger fines and penalties.
- Felony conviction?
- Jail?

➤ What to do if compliance seems too confusing or expensive?

- Get out now.